

# PLANNING COMMISSION

## ACTION MINUTES

TUESDAY, MAY 15, 2001

Chair Parsons called the meeting to order at 7:08 p.m. at the Twin Pines Senior and Community Center.

### 1. ROLL CALL:

Present, Commissioners: Parsons, Mathewson, Gibson, Wiecha, Torre, Purcell, Petersen

Present, Staff: Community Development Director Ewing, Principal Planner de Melo, Senior Planner Livingstone, City Attorney Savaree, Zoning Technician Stone, Recording Secretary Flores

2. **AGENDA STUDY SESSION:** None
3. **AGENDA AMENDMENTS:** None
4. **COMMUNITY FORUM (Public Comments):**

Richard Vanderslice addressed the Commission regarding the appeal he filed. Mr. Vanderslice wondered if there is a restraining order granted on the appeal due to perils to life or property. Chair Parsons referred the question to CA Savaree who stated that a restraining order implies that there would have been some type of legal action filed, and that there has been no litigation filed by the City and she has not received notice that Mr. Vanderslice has filed any. CA Savaree stated that ARCO is not proceeding with their project and that it is in the appeal process.

### 5. CONSENT CALENDAR:

**Resolution Approving a Variance to allow an existing deck extension to encroach four (4) feet into the required 15 ft. rear yard setback at 1816 Oak Knoll Drive, consistent with action taken by the Planning Commission on May 1, 2001.**

C Mathewson recused himself from this item as he lives within 300' of the subject property.

**MOTION: By C Purcell, seconded by C Wiecha, to adopt the Consent Calendar.**

Ayes: Wiecha, Gibson, Purcell, Torre, Petersen

Recuse : Mathewson

Abstain: Parsons

PP de Melo confirmed that the Commission received a letter from the neighbor adjacent to the above property, which will be part of the public record.

### 6. PUBLIC HEARINGS:

**Public Hearing – 2014 Mezes Avenue: To consider a Single-Family Design Review application to remodel and add 674 square feet to the existing 2,227 square foot residence for a total of 2,901 square feet in a zoning district that permits 3,500 square feet. The remodel will reconfigure and enlarge existing rooms and add a new family room, one half bathroom and a new porch to the rear of the residence. (Application No. 01-0051); APN: 044-061-010; Zoning: R-1B (Single-Family Residential); CEQA Status: Exempt; Karen Shane, Applicant/Owner**

C Mathewson recused himself from discussion of this item as he lives within 300' of the subject property.

CDD Ewing introduced Jonathan Stone, who has been with the Planning Department as a Zoning Technician for several months, as the presenter of the staff report for this item.

ZT Stone summarized the staff report, recommending approval.

Chair Parsons opened the public hearing. No one came forward to speak.

**MOTION: By C Purcell, seconded by C Wiecha, to close the Public Hearing.**

Motion passed.

**MOTION: By C Purcell, seconded by C Petersen, to adopt the Resolution approving the Single-Family Design Review for 2014 Mezes Avenue.**

Ayes: Wiecha, Gibson, Purcell, Torre, Petersen, Parsons

Recuse: Mathewson

Chair Parsons announced that this item can be appealed to the City Council within ten days.

**Public Hearing – 301 Island Parkway, Oracle Building: To consider a Conditional Use Permit to amend the Detailed Development Plan to allow a data center to replace existing office space within the building. The original project approval allowed for General Office uses and the proposed data center is not consistent with this use thus requiring a Conditional Use Permit. (Appl. No. 01-0052) APN: 040-360-270; Zoned: PD (Planned Development); CEQA Status: Exempt; Steven Tsuruoka, Applicant; Oracle Corp., Owner**

C Gibson recused himself since he is an Oracle Corporation stockholder. CA Savaree confirmed that C Purcell would not need to recuse herself due to the insignificant number of shares she holds.

SP John Livingstone summarized the staff report, recommending approval, and answered questions from the Commission. CDD Ewing clarified that the project does not include a generator at this time, and if an emergency generator is applied for at a later date it will come before the Commission for approval at that time.

Chair Parsons opened the public hearing. No one came forward to speak.

Steve Tsuruoka, Project Manager for Oracle, explained why the generator is not included in this application, and stated that additional underground communication lines will not be required. C Torre informed the applicant that when he does return for a generator, she would want to know the size of the generator and what chemicals will be stored on site. C Purcell encouraged the applicant to explore the use of solar power at Oracle facilities.

Chair Parsons opened the public hearing. No one came forward to speak.

**MOTION: By C Purcell, seconded by C Mathewson, to close the Public Hearing.**

Motion passed.

**MOTION: By C Torre, seconded by C Wiecha, to adopt the Resolution approving a Conditional Use Permit to amend the Detailed Development Plan for 301 Island Parkway.**

Ayes: Wiecha, Purcell, Torre, Petersen, Mathewson, Parsons

Recuse: Gibson

Chair Parsons announced that this item can be appealed to the City Council within ten days.

**Public Hearing – 2504 Read Avenue: To consider a setback variance to reduce the right side yard of setback to three feet to allow a 258 sq. ft. expansion of an existing garage. (Application No. 01-0039); APN: 044-032-140; Zoning: R-1B (Single Family Residential) CEQA Status: Exempt; Frank Gonsalves, Applicant; Mr. and Mrs. Keenan, Owners**

PP de Melo summarized the staff report and recommended approval.

Applicant Frank Gonsalves, 490 El Camino Real, presented information about the project, and distributed a letter to the Commission from a neighbor.

Joe Keenan, owner of the subject property, addressed the Commission, asking questions about some of the conditions of approval. PP de Melo suggested that, since the conditions in question are from other departments, he would like to have the latitude to work with the applicant and departments involved. Mr. Keenan suggested that the first sentence in the proposed resolution should be corrected to read "rear of the property" instead of "front of the property," and also the second-to-last sentence on the same page should be changed to read "the approximate setback would be 6'1" instead of "4'9". Since this latter request was in conflict with the drawings in front of the Commission, Chair Parsons stated that the question of where the property line is relative to the building needs to be clarified. C Torre felt that since it is possible that no variance is required at all or, if the drawings in front of the Commission are correct, it represents a worst case. If a positive decision can be made on a worse case, no further work should be required of the applicant, Commission or staff.

CDD Ewing suggested that, rather than continuing the item, the Commission could choose to condition approval on a survey that confirmed that the corner is no closer than the variance the Commission grants. PP de Melo added that the Building Official generally requires surveys for construction of buildings within setbacks, prior to issuing a building permit.

Chair Parsons opened the public hearing. No one came forward to speak.

**MOTION: By C Wiecha, seconded by C Purcell, to close the Public Hearing.**  
Motion passed.

The Planning Commissioners taking the following positions:

**MOTION: By C Torre, seconded by C Purcell, to adopt the Resolution approving a setback variance at 2504 Read Avenue with the following corrections.**

**The third line of the resolution should read 3'6" at the rear corner of the remodeled garage.**

**Under Exhibit A., Condition No. 1.A.3. should be removed entirely.**

**A new condition should be added that "The applicant shall provide a survey and that this variance is only granted with a minimum 3' side yard setback at the extreme rear of the proposed addition as determined by a survey to be filed prior to building permit release.**

**An additional condition permitting Community Development staff to work with the applicant and the Public Works Department on the applicability of some of their conditions.**

Ayes: Gibson, Purcell, Torre, Petersen

Noes: Wiecha, Mathewson, Parsons

Chair Parsons announced that this item can be appealed to the City Council within ten days.

**Public Hearing – 1689 Sunnyslope Avenue:** To consider a request for Floor Area Exception request to allow that an existing non-permitted, non-conforming lower level of an existing home be permitted as allowable floor area. The current allowable floor area for the subject site is 2,264 square feet, whereas the request is for 2,784 square feet including a covered deck area. (Application No. 2001-0021); APN: 045-272-150; Zoning: R-1C (Single-Family Residential); CEQA Status; Exempt; Glenn Davis Wong, Applicant/Owner

SP Livingstone summarized the staff report, recommending denial of the Floor Area exception based on Finding No. 3 that the project would not be compatible with neighboring properties.

Glenn Davis Wong, applicant, addressed the Commission, stating that he has owned the subject house for 6-8 years and bought it as an "as is" property, noting that he does not live in the house at this time.

Chair Parsons opened the Public Hearing.

Ed Depus, 1588 Sunnyslope, across the street from the property, has lived there for over forty years and as far as he knows Mr. Wong has not added any property to the house, including the decks. He noted that if the decks downstairs are removed, the sliding door will open out into open space..

**MOTION: By C Matheson, seconded by C Wiecha, to close the public hearing.**

Motion passed.

C Torre felt that she would have a problem depriving the applicant of the potential increase in property value based on a variance of only 4.2%. Most Commissioners preferred that the item be continued until after the Council has made its decision on the proposed change to the Floor Area ordinance. PP de Melo stated that this revised ordinance would probably not be in effect until mid-July at the earliest. CA Savaree informed the Commission that this item is in litigation; it began as a code enforcement issue and was scheduled for a trial-setting date the following day. She added that she arranged for it to be on this agenda so that she could advise the court whether or not the Planning Commission is inclined to grant the application, in which case, if it is not appealed to the City Council, the litigation would be resolved.

**MOTION: By C Purcell, seconded by C Petersen, to adopt the Resolution denying the Floor Area exception for 1689 Sunnyslope Avenue based on the findings made by staff.**

Ayes: Wiecha, Gibson, Purcell, Petersen Mathewson, Parsons

Noes: Torre

Chair Parsons announced that this item can be appealed to the City Council within ten days.

Chair Parsons called for a recess at 9:15 p.m. The meeting resumed at 9:21 p.m.

**Public Hearing – 1924 Oak Knoll Drive:** To consider a Single-Family Design Review and Tree Removal permit application to allow the construction of a 3,348 square foot, two-story residence where a maximum 3,500 square foot home would be allowed. (Appl. No. PA-2001-0006); APN: 044-070-021; Zoning: R-1B (Single Family Residential); CEQA Status; Exempt; Will Markle, Owner/Applicant

C Mathewson recused himself.

PP de Melo summarized the staff report, correcting the agenda to indicate that there is not a tree removal permit associated with the project, since the City Arborist confirmed that there are no protected trees to be removed. Staff recommended approval.

Will Markel, applicant, clarified for the Commission that the structure below the pool is on a separate lot that belongs to another family member. He added that he plans to live in this house.

Chair Parsons opened the public hearing.

Steve Erickson, 1935 Oak Knoll Drive, spoke in favor of the proposed project, and believes that having the property cleaned up will be an asset to the neighborhood.

**MOTION: By C Wiecha, seconded by C Torre, to close the public hearing.**

Motion passed.

**MOTION: By C Wiecha, seconded by C Purcell, to adopt the Resolution approving a Single-Family Design Review for construction of a new single-family residence at 1924 Oak Knoll Drive, with the attached conditions and findings in the staff report.**

Ayes: Wiecha, Gibson, Purcell, Torre, Petersen, Parsons

Recused: Mathewson

Chair Parsons announced that this item can be appealed to the City Council within ten days.

## **7. NEW BUSINESS**

C Torre raised a question regarding tools currently utilized to consider variances in ancient illegal situations; i.e., is there a way to allow the Commission to take more common sense information into account as well as the code? CDD Ewing detailed some of the different options available, noting that it is not a fault of the variance process but rather a function of 1) the applicant not wanting to take out the illegal addition, and 2) the City's policies about legal non-conformance. He will add a review of this question to his project list.

## **8. REPORTS, STUDIES, UPDATES, AND COMMENTS - None**

## **9. ADJOURNMENT:**

The meeting adjourned at 9:37 p.m. to a regular meeting on Wednesday June 6, 2001 at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review  
in the Community Development Department.*

*Please call (650) 595-7416 to schedule an appointment*